

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATERN, INC.,

Plaintiff,

v.

ABBOTT LABORATORIES, *et al.*,

Defendants.

Civil Case No.: 2:11-cv-00203

JURY TRIAL DEMANDED

JOINT STIPULATION OF DISMISSAL

DataTern, Inc. (“DataTern”) and Defendants Hewlett-Packard Company (“HP”) and Pepsico, Inc. (“Pepsi”), pursuant to Fed. R. Civ. P. 41(a) and (c), hereby jointly move for an order dismissing all claims in this action of DataTern without prejudice and any counterclaims of HP and Pepsi in this action without prejudice, with each party to bear its own costs, expenses, and attorney’s fees, and without waiving any rights under Fed. R. Civ. P. 41 (d).

The parties respectfully request that an order of dismissal be entered.

Respectfully submitted,

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Pepsi Co., Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2017, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Steven E. Aldous